

*Attorney Docket No: IDF 1693 (4000-05000)**Patent***REMARKS/ARGUMENTS*****Status of Claims***

Claims 1 and 20-21 have been amended.

Claims 14, 16, 27, 29, 31, and 33 have been canceled.

Claims 1-13, 15, 17-26, 28, 30, and 32 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

***Telephone Interview***

The Applicant would like to thank the Examiner for conducting the telephone interview on July 28, 2005 and for agreeing to prepare the interview summary.

***Claims Rejections – 35 USC § 102(e)***

Claims 20-26, 28, 30, and 32 stand rejected under 35 USC § 102(c) as being anticipated by *Berlovitch* (U.S. Patent 6,061,334). The Applicant respectfully traverses the rejection and submits that *Berlovitch* fails to teach each and every element of amended claims 20-26, 28, 30, and 32 as required by MPEP § 2131.

Claims 20 and 21 are not anticipated by *Berlovitch* under 35 USC § 102(e) because *Berlovitch* fails to teach that the change requester and the change manager are separate entities. MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Amended claim 20 reads:

20. A method for managing change to protect the integrity of an enterprise's computer operating environment, when said change is necessitated by an emergency situation, comprising the steps of:

*Attorney Docket No: IDF 1693 (4000-05000)*

*Patent*

- (a) evaluating the severity of said emergency situation by a change requester;
- (b) notifying a change manager by said change requester that said emergency situation exists, wherein the change requester and the change manager are separate entities;
- (c) determining by said change manager that said emergency situation requires immediate remediation;
- (d) granting immediate approval to change requester by said change manager to implement said change wherein said change consists of modifications to hardware, software, or both in an electronic computing system of the enterprise;
- (e) implementing said change by said change requester or a designee thereof; and
- (f) creating and completing, by said change requester after implementation of said change, an emergency change request document to describe and record said change.

Similarly, amended claim 21 reads:

21. (Currently Amended) A method for managing change to protect the integrity of an enterprise's computer operating environment, when said change is necessitated by an emergency situation, comprising the steps of:

- (a) evaluating the severity of said emergency situation by a change requester;
- (b) notifying a change manager by said change requester that said emergency situation exists, wherein the change requester and the change manager are separate entities;
- (c) determining by said change manager that remediation of said emergency situation can be deferred;
- (d) notifying said change requester by said change manager that an emergency change request document must be submitted prior to approval;
- (e) submitting an emergency change request document by said change requester to said change manager;
- (f) approving of a change described in said emergency change request document by said change manager or a designee thereof wherein said change consists of modifications to hardware, software, or both in an electronic computing system of the enterprise;
- (g) scheduling of said change by said change manager with collaboration from at least one potentially interested operating unit;
- (h) notifying each potentially interested operating unit of the schedule for and details of implementation of said change; and
- (i) implementing said change by said change requester or a designee thereof.

*Berlovitch* does not anticipate claims 20 or 21 because *Berlovitch* fails to teach that the change requester and the change manager are separate entities. Claims 20 and 21 have been amended to

*Attorney Docket No: IDF 1693 (4000-05000)**Patent*

recite that the change requester and the change manager are separate entities. Support for this limitation is found in paragraphs 0016 and 0042-0049. In contrast, *Berlovitch* teaches that the change requester and the change manager are a common entity. As explained in the telephone interview, the Examiner contends that *Berlovitch* teaches that the change requester and the change manager are the same software program, namely *Berlovitch's* Virtual Network Server (VNS). By combining the change requester and the change manager into a common entity, namely the VNS, *Berlovitch* fails to teach the limitation that the change requester and the change manager are separate entities. By failing to teach the limitation that the change requester and the change manager are separate entities, *Berlovitch* does not teach each and every element of claims 20 and 21, and consequently, cannot anticipate claims 20 and 21 under 35 USC § 102(e). In addition, claims 22-26, 28, 30, and 32 are allowable because they depend either directly or indirectly on an allowable claim 21.

### ***Claims Rejections – 35 USC § 103***

Claims 1-13, 15, and 17-19 stand rejected under 35 USC § 103(a) as being unpatentable over *Berlovitch* in view of *Johnson* (U.S. Patent 6,067,525). The Applicant respectfully traverses the rejection and submits that the Examiner cannot make out a *prima facie* case of obviousness as required by MPEP § 2143 for amended claims 1-13, 15, and 17-19.

Claims 1-13, 15, and 17-19, as amended, are not unpatentable over *Berlovitch* in view of *Johnson* because *Berlovitch* and *Johnson* fail to teach or suggest every claimed limitation. The requirements for establishing a *prima facie* case of obviousness are well established:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The

Attorney Docket No: IDF 1693 (4000-05000)

Patent

teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. MPEP § 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Amended claim 1 reads:

I. (Currently Amended) A method for managing change to protect the integrity of an enterprise's computer operating environment comprising the steps of:

(a) submitting a change request document by a change requester to a change manager for validation, wherein the change requester and the change manager are separate entities;

(b) broadcasting notice of a proposed change described in a valid change request document to at least one potentially interested operating unit within the enterprise, wherein the potentially interested operating unit is an organization comprising a plurality of individuals, and wherein said change consists of modifications to hardware, software, or both in an electronic computing system of the enterprise;

(c) reviewing said proposed change by a review team comprising said change manager and a representative of each potentially interested operating unit receiving notification of said proposed change and choosing to participate in said review team, said review team recommending a course of action regarding said proposed change, wherein the representative of the potentially interested operating unit is one of the individuals; and

(d) notifying said change requester of said review team's recommended course of action regarding said proposed change.

The Examiner cannot meet the third prong of the obviousness test because *Berlovitch* and *Johnson* do not teach or suggest two of the limitations of claim 1. First, as explained in reference to the § 102(e) rejection above, *Berlovitch* fails to teach or suggest that the change requester and the change manager are separate entities. *Johnson* fails to teach a change requester or a change manager, and thus fails to teach or suggest that the change requester and change manager are separate entities. Second, neither *Berlovitch* nor *Johnson* teach or suggest that the potentially interested operating unit is an organization comprising a plurality of individuals and that the representative is one of the individuals. As explained in the telephone interview, the Examiner contends that *Berlovitch* teaches that the potentially interested operating unit is a VLAN or server. By contrast, amended claim 1 recites the limitation that the potentially interested

*Attorney Docket No: IDF 1693 (4000-05000)**Patent*

operating unit is an organization and the representative is an individual. Support for this amendment is found in paragraphs 0022 and 0042-0049 and FIG. 10. Neither *Berlovitch* nor *Johnson* teach or suggest the limitation that the potentially interested operating unit is an organization comprising a plurality of individuals and that the representative is one of the individuals. Because *Berlovitch* and *Johnson* do not teach or suggest every claimed limitation, the Examiner cannot establish a *prima facie* case of obviousness and, consequently, claim 1 is allowable over the cited prior art. In addition, claims 1-13, 15, and 17-19 are allowable because they depend on an allowable claim 1.

*Attorney Docket No: IDF 1693 (4000-05000)**Patent***CONCLUSION**

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated June 23, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,  
CONLEY ROSE, P.C.

Date: 8/5/05

5700 Granite Parkway, Suite 330  
Plano, Texas 75024  
(972) 731-2288  
(972) 731-2289 (facsimile)

Grant Rodolph  
Grant Rodolph  
Reg. No. 50,487

ATTORNEY FOR APPLICANT